

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**KATHLEEN KLAR,**

**Plaintiff,**

**v.**

**No. 14-cv-0581 SMV/KK**

**MY EBAY STORE ORLANDO, LLC,**

**Defendant.**

**ORDER QUASHING ORDER TO SHOW CAUSE  
AND EXTENDING TIME TO PROSECUTE CLAIMS**

THIS MATTER is before the Court on Plaintiff's Response to Order to Show Cause [Doc. 8], filed on December 1, 2014. Plaintiff has failed to take any steps to prosecute her claims for more than 90 days, or since July 8, 2014, when she served Defendant. *See id.* at 1. Accordingly, the Court ordered her to show cause why her case should not be dismissed without prejudice pursuant to D.N.M.LR-Civ. 41.1 for lack of prosecution. [Doc. 7]. In her response, Plaintiff indicates that she intends to move for class certification and then plans to move for default against Defendant, but she does not indicate when she plans to file these motions. [Doc. 8] at 2. The Court will allow Plaintiff 60 days to file her motion(s) or otherwise take steps on the record to prosecute her claims. Otherwise this action may be dismissed.

**IT IS THEREFORE ORDERED** that the Order to Show Cause [Doc. 7] is **QUASHED**.

**IT IS FURTHER ORDERED** that no later than **February 2, 2015**, Plaintiff must take steps on the record to prosecute her claims, or this action may be dismissed without prejudice for failure to prosecute. *See* D.N.M.LR-Civ. 41.1.

**IT IS SO ORDERED.**



---

**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**